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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,601	02/08/2000	Enrique David Sancho	A-363-1 US	2846

7590  
01/14/2004  
Thomas A. O'Rourke  
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425 Broadhollow Road  
Melville, NY 11747

EXAMINER

WINTER, JOHN M

ART UNIT      PAPER NUMBER

3621

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/500,601

Applicant(s)

SANCHO, ENRIQUE DAVID

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 14 October 2003.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 4-49 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) \_\_\_\_\_ is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) 4-49 are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a)  The translation of the foreign language provisional application has been received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

## DETAILED ACTION

### *Election/Restrictions*

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 3, 5-9, and 13-15 are drawn to secure transaction utilizing a third party (the security server), classified in class 705 subclass 78.
  - II. Claims 4 and 10-12, drawn to secure transactions utilizing transaction verification, classified in class 705 subclass 75.
  - III. Claims 16-39, drawn to secure transactions utilizing PIN verification, classified in class 705 subclass 72.
  - IV. Claims 40-49, drawn to authenticating users 705 subclass 67.

Inventions I,II, III and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a third party is not necessary for user authentication. The subcombination has separate utility such as utilizing a third party.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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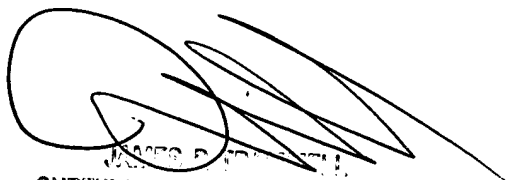
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, James P Trammel can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

January 10, 2004



JAMES P. TRAMMEL  
SUPERVISOR  
TECHNOLOGY CENTER

least one second message including a first identification for the user; and

comparing the first identification for the user against a second identification for the user to verify the user, the second identification for the user accessible by the second server.

41. A method according to claim 40 where at least one server is a mini-server

42. The method according to claim 41 where the first and second servers are mini-servers.

43. A method according to claim 42, wherein the first mini-server is associated with a first clearinghouse computer and the second mini-server is associated with a second clearinghouse computer.

44. A method according to claim 42, wherein the first mini-server is associated with a first clearinghouse computer and the second mini-server is associated also with the clearinghouse computer.

45. A method according to claim 40, wherein:

after the step of comparing the first fingerprint file against the second fingerprint file to verify the user computer, generating a first-mini-server message at the first mini-server based upon the results of said comparison; and

after the step of comparing the first identification for the user against the second identification for the user to verify the user, generating a second-mini-server message at the second mini-server based upon the results of said comparison.

46. A method according to claim 45, further including:

sending the first-mini-server message to a vendor computer; and

sending the second-mini-server message to the vendor computer.

47. A method according to claim 46, further including:

authorizing an action by the vendor computer only if both the first-mini-server message contains information indicating the user computer was verified and the second-mini-server message contains information indicating the user was verified.

48. A vendor computer comprising:

a first input for communicating with a first mini-server for receiving a first-mini-server message containing information indicating if a user computer was verified;

49. A vendor computer according to claim 48, wherein the first input and the second input are the same.

a second input for communicating with a second mini-server for receiving a second-mini-server message containing information indicating if a user was verified;

a processor for receiving the first-mini-server message from the first output and the second mini-server message from the second output and authorizing an action only if both the first-mini-server message contains information indicating the user computer was verified and the second-mini-server message contains information indicating the user was verified.

Respectfully submitted,



Thomas A. O'Rourke

Reg. No.: 27,665

BODNER & O'ROURKE, L.L.P.

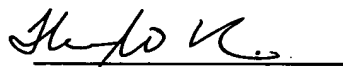
425 Broadhollow Road

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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Hon. Commissioner of Patents and Trademarks, Washington D.C. 20231, this 16th day of October, 2003



Thomas A. O'Rourke